

STATUS OF THE CLAIMS

Claims 1-48 are pending in the Application.

Claims 1-48 have been rejected by the Examiner.

Claims 1-3, 5-10, 14-18, 20-24, 27-35 and 39-44 have been amended herein.

Claims 4 and 19 have been cancelled, without prejudice, herein.

REMARKS

Reconsideration of the present Application is respectfully requested.

Claim Rejections Pursuant to 35 U.S.C. §103(a)

Claims 1-5, 8-9, 16-20, 29-32, 41 and 45-48 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663) and Marszalek (U.S. Patent No. 6,131,065). Claims 6-7, 21-22 and 33-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663) and Marszalek (U.S. Patent No. 6,131,065), and further in view of O'Brien (U.S. Patent No. 6,055,569). Claims 10-15, 23-28, 35-40 and 42-44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663) and Marszalek (U.S. Patent No. 6,131,065), and further in view of Wants (U.S. Patent No. 6,008,727). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

Applicant respectfully submits that none of the references, either separately or in any combination, teach or suggest each of the limitations of amended independent claims 1, 16, 29 and 41. Specifically, the art of record does not teach or suggest a portable memory reading device capable of uploading and downloading information to multiple ones of a plurality of processor and memory devices affixed to an substantially inaccessible object and/or location, as recited in amended claims 1, 16, 29 and 41. Further, there is no suggestion or motivation to combine the cited references, as the references teach away from any such combination.

Regarding the disclosure of Assisi, Applicant agrees with the Examiner that Assisi does not teach the processor and the memory device affixed to the substantially immovable objects or locations. In fact, in light of the teaching of Assisi that a wire runs from the processor to the remote location implies that the processor and memory of Assisi clearly ARE accessible. Applicant also notes that Assisi does not teach or suggest the communicating apparatus (Assisi at Fig. 1, reference no. 3) being capable of use with multiple immovable objects or locations as the user of the communicating apparatus moves from one object site to another. In fact, because Assisi teaches a remotely wired connection of the processor and memory to the remote object or location, the dedicated, wired connection, from the standpoint of the user at the object or location, has a one-to-one correspondence of the user device to that object, as a conduit to that processor, per the teaching of Assisi.

With regard to the disclosure of Monross, only a single unit for displaying pre-recorded information, which is housed in a gravestone, is disclosed, and as such Monross mandates a one to one correspondence of the user device to the remote object, since the user device is taught as being built physically into the remote device. Further and in light of this one-to-one correspondence, **Monross does not even hint at the idea of the user device being associated with a network of user devices and of remote objects and locations**, no less suggest a communicative connection of a portable memory reading device, capable of writing and retrieving information via a non-permanent wireless proximity link, to **multiple objects at different times**. In fact, the system of Monross is strictly a prerecorded, stand-alone single unit that is housed in the gravestone for viewing.

Therefore, neither Assisi nor Monross contemplate the idea of a portable memory

reading device capable of loading instructions or information to and from multiple processing and memory devices in a network of a plurality of memory devices, all of which are readable and writeable by each user device.

Further, Applicant agrees with the Examiner that neither Assisi nor Monross teach the portable memory reading device being used for loading the information or instructions to the storage device. In fact, Assisi teaches away from this concept, in that Assisi states the information to be stored in the memory device should be determined by the person to whom the information will pertain once he/she is later deceased (Assisi at Col. 1, lines 41-46). This means that Assisi requires that the information is loaded, one time, to the storage device long before the portable memory reading unit is ever brought into use. This is in stark contrast to the concept of writing or loading information at different points in time, as can be done with the present invention as claimed. Likewise, Monross teaches away from this concept, in that no network is ever even contemplated, as thus there is absolutely no need for any portable device in the system of Monross.

Applicant respectfully submits the Examiner has drastically over-stated the obviousness of the concept of uploading and downloading in the system of the present invention, in stating that it is “notoriously well known in the art of providing a bi-directional communications between a portable wireless device and an external terminal” for allowing uploading and downloading from to the portable device to the external terminal. Applicant reminds the Examiner that the present system is related to substantially inaccessible objects and/or locations, and to memorial or dedication-type information. Systems involving this sort of environment deal with information or instructions that previously have been thought necessary to have fixed, or unchangeable.

(See Assisi and Monross). For example, when a deceased person has his/her information loaded to the storage device, it is thought of as memorializing that person, and therefore the information was, in the prior art, not be edited or changed in any way. The present invention provides a novel system that allows a user to easily change that information as needed at later points in time, in a very simple manner and without disrupting the memorial object or location itself. For example, a single user might visit multiple national monuments in Washington, D.C., upload that the user made those visits, and a family member can download, via the claimed invention, that the earlier family member had previously visited. Such operation solves a long felt need not solved in the prior art, particularly not with respect to gravestones, and such need is clearly not met by any combination of Assisi and Monross. Therefore, to simply state that uploading and downloading from a portable device is obvious is incorrect and not evidenced by the prior art cited, and such uploading and downloading is contemplated in the specific memorialized environments recited in the claims.

Further in light of the above, the teaching of Marszalek, which relates to electronic flight data strips and method for air traffic control, has absolutely nothing to do with the present invention, or for that matter, any substantially inaccessible object or location and whether reading and writing to/from an inaccessible memory are shown in the prior art.

With regard to the remaining references of record, O'Brien teaches a browser for accelerating web access, while Want teaches a radiofrequency electronic tagging system not having anything to do with a system including a portable memory reading device capable of writing and receiving the information to and from multiple memory devices at

different points in time via a non-permanent wireless proximity link while the processor and memory device are in their affixed and substantially inaccessible location.

Applicant therefore respectfully submits that none of the references of record, either separately or in any combination, teaches or suggests a portable device capable of writing and receiving information to and from multiple memory devices at different points in time via a non-permanent wireless proximity link while the processor and memory device are in their affixed location, as is recited in each of amended independent claims 1, 16, 29 and 41. Applicant further submits that claims 2-3, 5-15, 17-18, 20-28, 30-40 and 42-48 are similarly distinguishable over the cited references, by virtue of their ultimate dependency from a patently distinct base claim 1, 16, 29 or 41.

Conclusion

Applicant respectfully requests reconsideration of the present Application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Justin C. Allen", is written over a horizontal line.

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